

FILED



12:32 pm, 3/20/20

Margaret Botkins
Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff(s),

vs.

ALLISON MAR BEBIANO,

Defendant(s).

Case No. 20-CR-00005-ABJ

ORDER GRANTING UNOPPOSED MOTION TO CONTINUE SENTENCING

THIS MATTER has come before the Court on the Defendant's Motion to Continue Sentencing that has been previously set for hearing on March 24, 2020. Defendant, a citizen of Brazil, has been detained in the District of Wyoming since December 17, 2019; and on January 14, 2020, pled "Guilty" to an Information charging Illegal Possession of Counterfeit Device Making Equipment in violation of 18 U.S.C. § 1029(a)(4). The federal rules require the Court to "impose sentence without unnecessary delay." Fed.R.Cr.P. 32(b)(1). Determining whether to continue a sentencing hearing rests within the Court's sound discretion. *United States v. Jones*, No. CR 14-0769 JB, 2016 WL 335102, at *4 (D.N.M. Jan. 15, 2016) (unpublished) Rule 32(b), Fed. R.Cr.P. "When an act must or may be done

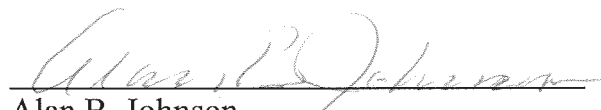
within a specified period, the court on its own may extend the time, or for good cause may do so on a party's motion" Fed.R.Cr.P. 45(b).

On March 13, 2020, a National Emergency was declared by the President of the United States in response to the nationwide outbreak of the Coronavirus Disease (COVID-19), which the World Public Health Organization has declared to be a global pandemic. The disease has been found in Laramie County, Wyoming, and elsewhere in the District of Wyoming. As a result of the virus, the functions of the Court have been substantially curtailed, as jurors, parties, court and public employees are sheltered and must necessarily avoid public gatherings. This situation is particularly concerning as to the movement of persons who are presently confined within detention facilities. At this time the Court cannot determine when the risks to public health and safety caused by the virus will be reduced sufficiently to allow the sentencing proceeding to be held as required with the Defendant present before the sentencing judge. I find that the ends of justice are served by ordering continuance of this sentencing hearing outweighs the Defendant's speedy sentencing and the public's interest in a speedy disposition of this matter. Further, I find that the continuance for the purposes underlying Defendant's motion will result in minimal inconvenience to all involved parties and persons.

IT IS THEREFORE ORDERED that the Unopposed Motion to Continue

Sentencing should be and the same is **GRANTED**. The sentencing hearing is **VACATED** and shall be reset when the COVID-19 virus does not pose a threat to those involved. I find that the delay is excludable and is reasonably necessary.

Dated this 20th day of March, 2020.


Alan B. Johnson
United States District Judge